



# Nevada State Board of Medical Examiners

## Press Release November 3, 2009

### ENOUGH IS ENOUGH

Enough is enough. There has been too much disinformation about the Nevada State Board of Medical Examiners (NSBME). The people and physicians of Nevada deserve to understand the truth, not the hysteria, behind how the NSBME can and does function.

I politely said (no good deed goes unpunished) many of the Board's problems were a PR issue. The truth is that political rhetoric, inflammatory journalism, and outright untruths are the problem.

I would like to respectfully disagree with the *Las Vegas Sun* on several points:

1. I have had no significant political connections and have never donated a cent to any elected official in the State of Nevada – ever. I volunteered because I wanted to help – period.
2. Since Ms Stoess has elected to talk to the press, it should be made clear that she did leak confidential information to Cy Ryan. The memo she accidentally sent to the Executive Director said, in her words, “here’s another confidential memo.” Her resignation was not an effort to stifle dissent; it was related to trust. There are many issues the Board must review that are not (by law) public information. To not know that memos or discussions of these issues will not show up in the newspaper is unacceptable. She knew better.

Her statement that Board members put their interests above the patients' interests a large percent of the time is pure vilification. I would challenge her to come up with one example where any Board member has done that. The truth is that many times our hands are tied by legal and legislative restraints.

3. The attempts to devise a regulation regarding the use of MAs resulted, not from a Board desire to regulate MAs, but from an inappropriate comparison in the print and broadcast media between the actions of a person practicing medicine without a license and an MA working for and under the supervision of a licensed doctor, and the panic and uncertainty this generated. The Governor's wise decision to try and clarify the issues and confusion generated by the media in Clark County has been totally misrepresented. The only goal was to protect the public. We were solely trying to clarify what a physician may allow an MA to do.

As I stated at a recent regulation hearing, this is comparing apples and alpacas.

The problem was and is not MAs, but doctors who fail to supervise MAs.

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4. The Nevada Revised Statutes (NRS) allow us (the Board) to summarily suspend the license of a physician who is an immediate threat. When the Board learned of the Endoscopy Center problem, the bureau of licensing of the state Health Division had already determined that the problems had been corrected. Drs. Desai, Carrol, and Carrera then deserved due process. Hanging them by their thumbs or drawing and quartering them on "the Strip" are not options for us. The statement that the Board failed to cooperate with law enforcement in this case is patently false. The truth is that the Board was hampered in its investigation by the unavailability of records and the refusal of involved parties to speak because of possible civil and criminal actions. The Board fully cooperated with law enforcement and was on the all-agency Task Force set up for this multi-agency investigation.

5. Every person that makes a complaint wants their complaint validated. We (the Board) must have proof a problem has occurred, and proof is often lacking. In the situation of malpractice, we need a peer review that agrees malpractice has occurred. Even when a complaint is closed there are frequently letters of concern, remediation agreements, and personal appearances before the Board that take place to solve the problem and to let the MD know he/she is being watched. We are not allowed to share this information with the public, so all the complainant knows is the case is closed. We cannot do more, by law.

6. Contrary to what was suggested in the article, we do not have the legislative or legal authority to discipline doctors for not cooperating with the Board, as was described.

7. Though the Board was not notified about the Endoscopy Center problem until late in the investigation, we are the only agency, with the exception of the city of Las Vegas licensing bureau, to take action after the state Health Division wrote its report that all deficiencies were corrected.

8. The Board has never (in my tenure) instigated an investigation to "go after a doctor." I would not tolerate that nor would my Chief of Investigations.

There has been pressure to develop a straight reciprocity system for licensing. That is, if you have a license in any other state, you can automatically get a license in Nevada. This would just insure that many "bad actors" would gravitate to the state with the most lax rules and then could apply "by endorsement" to Nevada. This is a complicated process, but only two or three years ago our licensing process was reviewed by the Federation of State Medical Boards and we were told to, "not change a thing," you are doing it right.

The article states that Dr. Rodriguez was not available for comment (he was in Africa doing volunteer work). Interestingly, I only received one message asking for any comment. I called back and received not a single follow-up call.

Within the limits of the law and the limits imposed by staffing and financial considerations, the Board pursues the goal of protecting the citizens of Nevada. To say otherwise is completely false.

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President, NSBME

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